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7/16/01

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

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TECH CENTER 1600/2900

In re the Application of: **Garvey et al**

Application No: **09/512,829**

Group Art Unit: **1624**

Filed: **February 25, 2000**

Examiner: **D. Rao**

For: **Nitrosated and Nitrosylated Proton Pump Inhibitor Compounds, Compositions and Methods of Use**

Attorney Docket No: **102258.284**

Assistant Commissioner of Patents
Washington, DC 20231

Response to Restriction Requirement

This response is submitted in reply to the Restriction Requirement dated June 19, 2001, for which a response is due on or before July 19, 2001. No fee is believed to be due; however, the Commissioner is authorized to charge any necessary fees to Deposit Account No. 08-0219 to maintain the pendency of the present application.

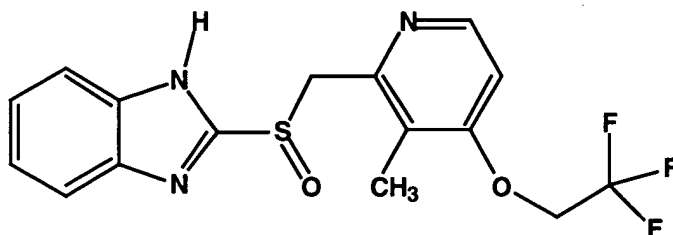
I. Response to Restriction Requirement

Applicants elect Group IX, claims 35-55, 59-61, 64, 66, 68, 71-72 and 76-78, drawn to compounds, compositions and kits comprising the parent proton pump inhibitors and methods of use, with traverse.

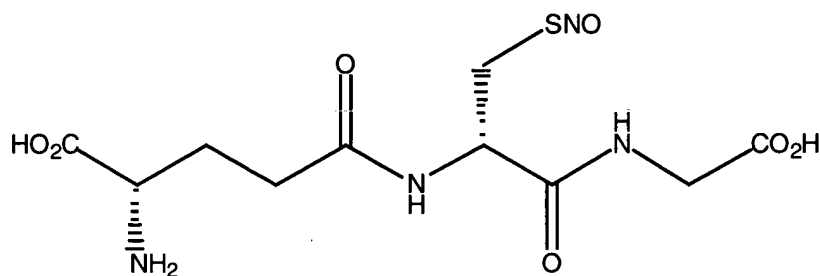
II. Election of Species

In response to the election of species requirement Applicants provisionally elect, with traverse, lansoprazole as the proton pump inhibitor, and S-nitrosoglutathione as the compound that donates transfers or releases nitric oxide, induces the production of endogenous nitric oxide or endothelium derived relaxing factor, or is a substrate for nitric oxide synthase.

Lansoprazole has the following structure:



S-nitrosogluthathione has the following structure:



III. Conclusion

An early and favorable consideration and allowance of the pending claims 35-55, 59-61, 64, 66, 68, 71-72 and 76-78 is respectfully requested.

Respectfully submitted

Edward D. Grieff
Registration No. 38,898

Date: July 16, 2001

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AMENDMENT UNDER 37 C.F.R. §1.48 (b)

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The correct inventors were named in the above application. On June 19, 2001, the U. S. Patent Office issued a restriction requirement. In response to the restriction requirement, Applicants are filing a preliminary amendment concurrently herewith in which claims 1-34, 56-58, 62, 63, 65, 67, 69, 70 and 73-75 are being cancelled. In view of the cancellation of some of the original claims, fewer than all of the currently named inventors are the actual inventors of the invention now being claimed in this application.

Pursuant to 37 C. F. R. §1.48 (b), on behalf of NitroMed, Inc., the assignee of the above application, I respectfully request that Tiansheng Wang and Stewart K. Richardson be deleted as inventors of the above application, as their invention is not set forth in the pending claims.

NitroMed, Inc. is the assignee of the above application pursuant to an Assignment recorded in the U. S. Patent Office on February 25, 2000, at Reel 010624, Frame 0867 and an Assignment recorded in the U. S. Patent Office on April 11, 2000, at Reel 010753, Frame 0210, copies of which are attached hereto.

Pursuant to 37 C. F. R. §1.48 (b)(1), I certify that I am authorized to act on behalf of NitroMed, Inc. I respectfully request that the inventorship be corrected by deleting the names of Tiansheng Wang and Stewart K. Richardson. I acknowledge that Tiansheng Wang's and Stewart K. Richardson's invention is no longer being claimed in the above application.

Amendment under 37 C.F. R. §1.48 (b)
Application No. 09/512,829

Pursuant to 37 C. F. R. §1.48 (b)(2), the Commissioner is authorized to charge the processing fee of \$130 to Deposit Account no. 08-0219. The Commissioner is authorized to charge any other fees to Deposit Account No. 08-0219 to maintain the pendency of the present application.

Respectfully submitted

A handwritten signature in black ink, appearing to read "L. Gordon Letts", with a horizontal line underneath the name.

L. Gordon Letts, Ph. D.
Senior Vice President Research, Chief Scientific
Officer
NitroMed, Inc.
12 Oak Park Drive
Bedford, MA 01730

Date: July 12, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11A

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In re the Application of: **Garvey et al**

Application No: **09/512,829**

Group Art Unit: **1624**

Filed: **February 25, 2000**

Examiner: **D. Rao**

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Attorney Docket No: **102258.284**

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Washington, DC 20231

PRELIMINARY AMENDMENT

Prior to consideration of the above application on the merits, please enter the following amendment without prejudice.

IN THE SPECIFICATION:

Attached hereto as Appendix 1 are replacement pages 20, 29, 34, 39, 41, 43, 45, 49 and 55 in the specification. Attached hereto as Appendix 2 is a marked-up copy of the replacement pages 20, 29, 34, 39, 41, 43, 45, 49 and 55 in the specification.

IN THE CLAIMS:

Attached hereto as Appendix 3 is a copy of the pending claims. Attached hereto as Appendix 4 is a copy of the amendments made to the claims.

I. Remarks

After entry of the amendment, claims 35-55, 59-61, 64, 66, 68, 71-72 and 76-78 are pending in the application.

The specification has been editorially amended and amended to correct typographical errors.

Claims 35, 37, 39, 42, 43, 59, 66, 68, 71, 76 and 77 have been editorially amended and are supported by the specification at, for example, page 1, line 11; page 3, lines 27-28; page 4, line 9; page 7, lines 3-4; page 14, line 29; page 46, line 11; page 50, lines 21-22; and page 58, lines 7-8, 27 and 30-31.